IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19702 of 2004

Between:

A.Hanumanthu Naidu, S/o.A.Balakrishna Naidu,
R/o.H.NO.64/47, Nagappa Street, Kurnool.

... PETITIONER

AND

1 A.P.S.R.T.C., rep.by its Managing Director, Musheerabad, Hyderabad.-20.
2 The Depot Manager, A.P.S.R.T.C., Kurnool-II Depot.,Kurnool.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd respondent and issue an appropriate writ, order passed by the 2nd respondent in proceedings No.01/ 2(12)/02-Q2, dated 13-8-2002, deleting the name of petitioner from the select List of Driver in Kurnool Region by terminating from service of the corporation with immediate effect as illegal, unjust, contrary to law, discriminatory, in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits, and pass such other order or orders as this Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

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Oral Order:

The petitioner contends that he was appointed as a casual driver after due selection by the Selection Committee in the year 1998 and his name finds place in the list of selected drivers. On 5-1-2000 while the petitioner was driving the bus an accident occurred and a person died. The police registered a case against him under Section 304-A IPC and the case covered by C.C.No.462 of 2002 filed against him ended in acquittal by holding that the prosecution failed to prove the rashness and negligence on the part of the petitioner. The petitioner was issued a show cause notice on 6-7-2002 regarding the said accident and he submitted his explanation by contending that the accident was not on account of his rashness or negligence but the second respondent without conducting any enquiry deleted his name from the selection list of drivers. When the petitioner preferred an appeal before the Divisional Manager, it was dismissed on the ground that the appeal cannot be maintained on deletion of the name of the petitioner from the selection list. The petitioner being aggrieved by the order of the second respondent approached this Court seeking to declare that the order of the second respondent dated 13-8-2002 deleting his name from the selected list of drivers in Kurnool Region by terminating him from the service of the Corporation with immediate effect as unjust, contrary to the law and violation of the principles of natural justice.

It is an undisputed fact that the petitioner was selected as a driver through a Selection Committee constituted as per the Regulations of the Corporation. The petitioner was appointed as a casual driver for want of regular vacancies. Since the petitioner was a regularly selected employee, an enquiry ought to have been conducted before imposing the punishment of deleting his name from the list of selected candidates. The second respondent instead of conducting an enquiry passed the impugned order only after issuing the show cause notice and receiving the explanation from the petitioner. Since the deletion of the name of the petitioner from the list of selected candidates was done through the impugned order without conducting an enquiry, the same is liable to be set aside.

In the result, the writ petition is allowed. The impugned order dated 13-8-2002 passed by the second respondent is set aside. The second respondent is directed to restore the name of the petitioner in the list of selected candidates and continue to engage him on the basis of the availability of work on the same

terms and conditions in which he used to be engaged prior to the deletion of his name from the list of selected candidates.

This order will not preclude the second respondent from conducting a regular enquiry against the petitioner and pass appropriate orders according to the rules.

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(Dr.G. Yethirajulu, J)

27th October 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, A.P.State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Depot Manager, A.P.S.R.T.C., Kurnool-II Depot, Hyderabad –20.
3. Mr.A.K.Jayaprakash Rao, Advocate (OPUC)
4. Mr.P.Vinayaka Swamy, Advocate (OPUC)
5. 2 CD copies

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